



January 2, 2024

Granted in part. The fact discovery deadline will not be extended, but Tang may take the deposition of Mr. Duffield beyond the fact discovery period on February 6, 2024.

**VIA ECF**

The Honorable Robert W. Lehrburger  
United States Magistrate Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St, Courtroom 18D  
New York, NY 10007

SO ORDERED:

1/5/2024

HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Re: *Tang Capital Partners, LP v. BRC Inc.*, No. 22 Civ 3476 (RWL)

Dear Judge Lehrburger:

We represent Tang Capital Partners, LP, (“Tang Capital”) in connection with third-party subpoenas it has issued in the above referenced matter. We respectfully submit this letter-motion seeking a slight modification to the current discovery schedule to allow for the deposition of a non-party who is not available prior to the current fact discovery deadline. Specifically, we request that Tang Capital be permitted to depose Citigroup Inc. (“Citigroup”) Managing Director, Richard Duffield, on February 6, 2024—his first day of availability—notwithstanding the current fact discovery deadline of January 10, 2024. *See* ECF No. 114.

The purpose of this request is to accommodate the schedule of the witness Citigroup has put forward as most knowledgeable on the issues in this action. On April 13, 2023, Tang Capital issued a deposition subpoena to Waleed Matin, the senior banker we believed to be responsible for advising BRC regarding the at-issue BRC Warrants. In the meet-and-confer process, Citigroup represented via email on November 20, 2023, that Mr. Duffield, not Mr. Matin, was the most knowledgeable person on this issue, and offered Mr. Duffield as a substitute deponent. In that same email, Citigroup offered two deposition dates for Mr. Duffield: December 6 and 11, 2023. We communicated in a November 22, 2023 email that we were unavailable on those dates and requested availability in early January 2024. Approximately a month later, on December 18, 2023, we sent a follow-up email again seeking January 2024 dates. Citigroup promptly responded on the same day and informed us that Mr. Duffield is unavailable for a deposition until February 6, 2024, but is available on that day.

On December 28, 2023, Tang Capital wrote to BRC’s counsel to seek its position on this request. On December 29, 2023, BRC responded that it would oppose this request.

Accordingly, Tang Capital respectfully asks this Court to grant its application to conduct the Citigroup deposition on February 6, 2024.

We thank the Court for its consideration.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'A. Ford', with a stylized flourish extending to the right.

Adam C. Ford

cc: All Counsel of Record (via ECF)